

**SHOREVIEW PLANNING COMMISSION  
MEETING MINUTES  
March 23, 2010**

**CALL TO ORDER**

Chair Proud called the meeting of the March 23, 2010 Shoreview Planning Commission to order at 7:00 p.m.

**ROLL CALL**

The following members were present: Chair Proud; Commissioners, Ferrington, Mons, Solomonson, Schumer and Wenner

Commissioner Feldsien was absent.

**APPROVAL OF AGENDA**

MOTION: by Commissioner Schumer, seconded by Commissioner Wenner to approve the agenda as submitted.

VOTE: Ayes – 6 Nays – 0

**APPROVAL OF MINUTES**

**January 26, 2010 Meeting Minutes**

Page 4: Commissioner Wenner corrected the first sentence of the next to the last paragraph to read, “Commissioner Wenner asked if other birds and animals would be affected...”.

MOTION: by Commissioner Schumer, seconded by Commissioner Solomonson to approve the revision to the revised minutes for the January 26, 2010 Planning Commission meeting minutes.

VOTE: Ayes - 5 Nays - 0 Abstain - 1 (Mons)

Commissioner Mons abstained, as he did not attend that meeting.

**February 23, 2010 Meeting Minutes**

MOTION: by Commissioner Mons, seconded by Commissioner Schumer to approve the February 23, 2010 Planning Commission meeting minutes.

VOTE: Ayes - 5 Nays - 0 Abstain - 1 (Proud)

Chair Proud abstained, as he did not attend that meeting.

**REPORT ON CITY COUNCIL ACTIONS**

City Planner Nordine reported that the Residential Design Review for the variance application at 400 Horseshoe Drive, heard by the Planning Commission at its February 23, 2010 meeting, has been appealed by Mr. Richard Hagstrom, 376 North Owasso Boulevard. The City Council will hear the appeal at its April 5, 2010 meeting.

The City Council approved the following:

1. St. Odilia application to convert the Crosier Community House at 825 Cottage Place to a hospice care facility, at its March 1<sup>st</sup> meeting. The Commission had expressed concern about traffic. Staff followed up with the Sheriff's Department and found that within the last two years two incidents occurred, one a parking issue and the other was a traffic accident.
2. Clearwire wireless communications tower in Sitzer park, at the March 15<sup>th</sup> meeting.
3. Staff is working to respond to comments from the DNR before submitting the flood plain ordinance to the City Council for approval.

**NEW BUSINESS**

**SITE AND BUILDING PLAN REVIEW**

**FILE NO.: 2390-10-08**

**APPLICANT: PREFERRED BUILDERS, INC./LAKE OWASSO TOWNHOMES**

**LOCATION: 489-503 HARRIET AVENUE**

**Presentation by Senior Planner Rob Warwick**

The application is to construct a deck on the second story at the rear (east) side of each of eight units in this townhouse development. A new door would replace an existing window for access to the new deck. Each unit is on its own platted lot with common area surrounding the units.

The site consists of .7 acres. The townhouses were constructed in 1989 by Preferred Builders. All units remain owned and rented by Preferred Builders since construction. The units are two stories. The proposed decks would extend the 23.4-foot width of each unit with individual deck areas ranging from 168 to 283 feet. The smaller ones are on the end units. All decks comply with the 30-foot front and rear setback requirements, but they do encroach into the common area of the development.

Adjacent property east and south is in the R-1 Detached Residential District. The property to the north is the TSI campus, in the I Industrial District. To the west is the Lakeshore Oaks apartment buildings, which are also zoned R-3 High Density Residential, the same as the subject property.

Staff finds that the application is consistent with the requirements of the Development Code and Comprehensive Plan. Lot coverage is at 55%, which is less than the maximum allowed at 65%.

The decks will not impact lot coverage. The density of the development is not altered and remains consistent with the planned land use designated for the site. Decks are a common feature of residential property throughout the City. They will provide an amenity for the residents. Existing trees along the east lot line provide screening for the single family neighborhood to the east.

The decks will encroach 11 feet into the common area of the site. Private covenants must be amended to permit this encroachment, which requires approval by the City prior to recording with Ramsey County.

Property owners within 350 feet were notified of the application. Three comments were received objecting to the proposal. Concerns raised include: 1) not a transition from higher to lower density residential uses; 2) negative impact on the neighboring single family homes because of noise; 3) existing topography causes the decks to look down on the houses on adjacent properties because there is a range of 4 feet to 7 feet grade difference from the townhouse structure to the single family homes on Harriet Avenue.

Staff believes the existing tree line, a mix of conifers and deciduous trees, will provide adequate screening for the two residential homes to the east. Staff is recommending approval with the conditions listed in the staff report.

Commissioner Mons noted that in one of the statements received at the meeting, it was pointed out that when the units were built, windows rather than balconies were specifically put at the rear of the townhouses to protect privacy for the houses on the east side. Mr. Warwick stated that staff reviewed the file and found no reference to special design considerations for the east wall. The single family homes were built prior to the town homes, but the subject parcel was designated for town homes in the 1970s.

Commissioner Wenner asked for specifics related to the design of the decks, such as materials to be used, color and scale. Mr. Warwick stated the decks would be built with typical pressure treated wood with 6' x 6' posts, standard framing members and decking.

Chair Proud stated that the scale of the drawing is confusing and not accurate. He suggested that it would be better to have an accurate detailed drawing and an elevation drawing to consider the application. He is also concerned about storage on the deck and litter from the deck.

Commissioner Wenner noted that the decks will change the use of the rear area of this property with increased activity.

Commissioner Mons asked the distance of the decks to the property line and placement of the deck on Unit 2, which is only 35 feet from the rear lot line. Mr. Warwick stated that the deck on Unit 2 begins at the 30-foot setback line. That is the closest to the property line. The others range from 30 to 38 feet from the rear property line.

**Ms. Cherie Snow**, Preferred Builders, 1600 81<sup>st</sup> Avenue NE, Spring Lake Park, stated that the decks will make the building look better and give residents more room and air than just their patios. It is planned to sell each unit individually at some time rather than keeping them as rentals. This is an effort to improve the look of the building.

Commissioner Ferrington asked the reason for putting the decks on the second story rather than on the main floor, especially if people want to grill. Ms. Snow stated that was explored, but the back wall of the interior of the units has a staircase to the second floor, and that wall also contains the electrical panel. There is no way to put a deck in that area.

Commissioner Mons stated that some associations prohibit grills on a second floor deck as well as hanging rugs or laundry or storage of items. He asked if the association is willing to adopt strict uses of the decks. Ms. Snow stated that laundry is prohibited. It is intend to allow gas grills, but storage is prohibited and the number of plants regulated.

Chair Proud asked if the rear common area is used by the tenants. Ms. Snow responded that they tend to use the front patios and not the rear common area. The decks will give them more air and outside area.

Commissioner Solomonson asked if the trees are on the townhouse property or the property of the residential homes. Mr. Warwick stated that there are some on both sides of the property line.

Commissioner Ferrington suggested additional conifers be planted along the back property line for screening because it is bare in the winter. Ms. Snow stated that she believes Preferred Builders would be willing to put in some additional trees within reason.

Chair Proud opened the discussion to public comment.

**Ms. Hong Zheng** stated she lives at 3505 Cohansey, which is east of the subject property. Her concern is that the trees are very large and only the lower portion of the trunk offers screening. The deck will look directly into her house, which is her only concern. She would appreciate it if additional trees could be planted.

Chair Proud suggested a landing on the second floor with a stairway to a ground level deck. Ms. Snow stated that Preferred Builders is open to suggestions, but she is not sure how that would look.

Commissioner Mons stated that what has been submitted is the same type of application that would be brought by a homeowner. There would be additional cost for more plans, and the proposal is within the setback. He does not believe they should be denied a deck within the setback requirement. He would agree to additional screening. Without a stairway, he does not believe the intensity of activity will increase. The request is for what other property owners in Shoreview have. The fact that it is on the second floor is an architectural issue, not a choice.

Commissioner Schumer agreed with Commissioner Mons. A staircase down to the ground level would increase activity. A deck on the second floor would limit its use. Deck railings hide the deck furniture. If there is a stairway down to ground level, the back will look like the front. He supports this proposal.

City Attorney Filla asked what can be stored on the deck under current regulations. Ms. Nordine stated that a grill, patio furniture can be put on the deck. Bikes could be stored on the deck. City Attorney Filla suggested the covenants be revised and reviewed early in the process. The deck area should be addressed as to how it can be used in the covenants.

Commissioner Solomonson stated that Units 2 and 9 have patio doors on each side, which functions like a deck. He is concerned about height and storage on the deck and underneath the deck. The decks at a variable depth and elevated may not enhance the look of the building.

Commissioner Ferrington stated that she would support this application if the conditions include early amendments to the covenants and additional screening for adjacent neighbors.

City Attorney Filla suggested two additional conditions to the motion:

8. Revised covenants shall address the use of the deck
9. Provide additional landscaping plan for the east property line

**MOTION:** by Commissioner Mons, seconded by Commissioner Wenner to table this matter to the April 27, 2010 Planning Commission meeting in order for the applicant to provide a landscaping plan to soften the proposed additions and draft language to the bylaws regarding storage on the deck.

**VOTE:**                      Ayes - 6                      Nays - 0

### **MINOR SUBDIVISION/VARIANCE**

**FILE NO.:**                      **2388-10-06**  
**APPLICANT:**                **MASTERPIECE HOMES, INC.**  
**LOCATION:**                    **4161 RICE STREET**

#### **Presentation by Senior Planner Rob Warwick**

This application is to subdivide a 1.9 acre site to create 2 detached single family home sites. Parcel A, the north lot, is a Key Lot as it abuts the rear lot lines of the existing lots on the south side of Hawes Avenue. Key lots are required to have an additional 15 feet of width or a minimum of 90 feet. As the width of Parcel A is 88.33 feet, a variance is needed for the substandard width.

In 2008, the City approved a preliminary plat for development of four houses. That development

was not done, and the preliminary plat approval expired.

The parcel is currently developed with a single-family house, detached double garage, two sheds and a driveway. These existing improvements would be removed. The topography is fairly level with only 5 or 6 feet elevation drop from the street to the rear lot line. The property has over 300 trees, including 50 landmark trees. Tree preservation will be addressed with review of future houses during the building permit review. The development agreement will also address tree removal, protection and replacement. Both parcels comply with City Code standards, except the 90-foot width of Parcel A. The property is zoned R-1, Detached Residential.

The proposed development plans are for a home to be built on each lot. The building pad is shown at a front setback of 81 feet, which is calculated from the front setbacks of the adjacent property at 4151 Rice St. The building pads are over 350 feet from the rear lot line.

The applicant states that hardship exists due to the configuration of the lot with 163 feet in width, which does not allow reasonable use. The proposed 88.3 foot width allows a 20-foot north side setback on Parcel A to comply with the Code.

Property owners within 350 feet were notified of the application. One comment received expressed concern about the closeness of the drainage and utility easements. A second comment was received in support of the proposal. The City of Vadnais Heights suggested landscape screening to eliminate car headlights beaming into the houses from Bridgewater Drive in the City of Vadnais Heights. Ramsey County notes that work in the right-of-way will require a County permit.

Staff finds that the variance is reasonable. There is hardship with the lot configuration. The proposal retains existing grades, vegetation and minimizes disturbance. The property's large lot area is unique to the development pattern west of Rice Street. It is surrounded by smaller residential lots. The proposed width, although not meeting the 90-foot requirement, does not change the character of the neighborhood.

A conforming subdivision is possible, but it would require building a public street, extension of municipal sewer and water. The result would be a higher density with greater impact to the neighborhood. The reduction in lot width is offset by the large lot area. Staff is recommending approval of the variance with the application forwarded to the City Council for approval of the minor subdivision.

Commissioner Mons noted that the reason for the variance for Parcel A rather than Parcel B is to grant as small a variance as possible. This variance is more desirable from other alternatives that could be presented because it is on a wider lot. He further noted that the drainage and utility easement referred to by the neighbor's comment is not on the neighbor's property but on the subject property. Mr. Warwick stated that the City requires utility easements with a subdivision.

Chair Proud asked if the building pad will be the footprint of the new home. He also asked if the

location of the pad is necessary for sewer flow. Mr. Warwick stated that the pad shows there is a suitable area for a house on the property. The location is not necessary for sewer, but it is required for positive drainage.

**Mr. Gordy Howe**, Masterpiece Homes, Roseville, stated that he is buying the parcel to split into two lots. He will save as many trees as possible. The reason for elevating the house two feet is for positive drainage and for the sewer. The sewer in the street is only 10 feet deep. The plan is to build a rambler house, or a house of 1.5 stories or 2 stories.

Chair Proud opened the discussion to public comment and questions.

**Mr. Gerry Pelton**, 209 Hawes, stated that this plan is much better than the previous plan that was approved. His concern is that the building pad not be placed in the back of the lot. The pad is not permanent in its present location because it depends on where the purchaser wishes to build. It could be further back on the lot. It makes sense to have it closer to Rice Street because of the drainage issue.

Commissioner Mons asked for clarification of the front setback. Mr. Warwick stated that the front setback is required to be within the range of 74 to 94 feet to based on the setback of the adjacent property. The pad, now located at 81 feet, complies with that requirement. If the pad were at the back of the lot, there would be a sewer problem in addition to the setback issue. The developer understands the constraints.

**Ms. Renee Koemptgen**, 176 Hawes, asked if the trees will remain and never be taken down, or can the owners put in a pool and take down trees. Mr. Warwick stated that the new owners will have the rights of all property owners. However, the City has regulations about tree removal and tree replacement. **Ms. Camshun** also stated that the character of the neighborhood is mostly one-story homes. She would like to see the developer preserve the integrity of the neighborhood with 1-story homes.

**Ms. Monica Keyport**, 163 Demar, agreed that this proposal is much better than the previous one. She also would like the builder to maintain the character of the neighborhood with one-story homes and set the precedent for the development at 4135 Rice Street. She would not want to see the houses built much more than one foot above grade because neighboring homes are ramblers.

**Mr. Paul Cotay**, 150 Hawes Avenue, asked if the house could extend further back in the lot than what is shown on the application. Mr. Warwick stated that code specifies the determination of the front and rear setbacks and lot coverage. The requirement is to comply with that determination. The pad shows that sufficient area is available, and it could be longer as long as it complies with the front setback.

Chair Proud also stated he much prefers this plan to the one presented previously and supports the application.

Commissioner Ferrington agreed and stated that what is being voted on is a variance for the one lot. The City does not control what is built, but the drawings look acceptable to maintaining the character of the neighborhood. Even if a 2-story house is built it will be in the middle of the lot and will not have a significant impact on the existing neighborhood.

**MOTION:** by Commissioner Schumer, seconded by Commissioner Solomonson, to recommend to the City Council approval of the minor subdivision application submitted by Masterpiece Homes, Inc. for 4161 Rice Street, and to adopt Resolution 10-24, approving the variance request to reduce the width of Parcel A. The approvals are subject to the following conditions:

**Minor Subdivision**

1. The minor subdivision shall be in accordance with the plans submitted.
2. The applicant shall pay a Public Recreation Use Dedication fee as required by Section 204.020 of the Development Regulations before the City will endorse deeds for recording. The fee will be 4% of the fair market value of the property, with credit given for the existing residence.
3. Public drainage and utility easements shall be dedicated to the City as required by the Public Works Director. The applicant shall be responsible for providing legal descriptions for all required easements. Easements shall be conveyed before the City will endorse deeds for recording.
4. A minimum setback of 20 feet from the north side lot line is required for the dwelling and attached garage developed on Parcel A.
5. Municipal water and sanitary service shall be provided to both resulting lots.
6. The applicants shall enter into a Development Agreement with the City. This agreement shall be executed prior to the City's release of the deeds for recording.
7. Driveways and all other work within the Rice Street right-of-way are subject to the permitting authority of Ramsey County.
8. Tree removal requires replacement trees per City Code. City requirements for the tree removal and protection plan shall be detailed in the Development Agreement.
9. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.

**Variance**

1. This approval is subject to approval of the Minor Subdivision application by the City Council.
2. This approval will expire after one year if the subdivision has not been recorded with Ramsey County.
3. The approval is subject to a 5-day appeal period.



The approval of the variance request to reduce the lot width for Parcel A is based on the following findings of fact:

1. The existing lot area is about 1.85 acres. Subdividing to create two residential lots represents a reasonable use of the property in the R-1 Detached Residential District, creating two lots with areas will in excess of the requirements of City Code.
2. The proposed lot does not alter the existing lot configuration, and the proposed house pad will comply with the required 20-foot side setback from the north lot line of Parcel A. The proposed subdivision results in minimal site disturbance, as compared to the site work required to install a public street necessary for a conforming subdivision.
3. The north lot line has functioned as a side lot line for about 60 years, and so the essential character of the neighborhood should not be altered.

The recommendation for approval of the Minor Subdivision is based on the following findings of fact:

1. With approval of the lot width variance for Parcel A, the proposed lots conform to the adopted City standards for new lots.
2. Municipal water and sanitary sewer service are available for each proposed parcel.
3. Drainage and utility easements are provided as required by the Municipal Code.

ROLL CALL:           Ayes - 6                      Nays - 0

Chair Proud called a break and reconvened the meeting at 8:40 a.m.

## **MISCELLANEOUS**

### **City Council Assignments**

Commissioners Proud and Schumer will respectively attend the April 5<sup>th</sup> and April 19<sup>th</sup> City Council meetings.

Commissioner Solomonson suggested that a Commissioner attend the April 5<sup>th</sup> meeting who was present at the Planning Commission meeting for the matter that is being appealed. It was the consensus of the Commission that Chair Proud and Vice-Chair Wenner will attend the meeting.

### **Cell Towers**

Ms. Nordine stated that the memo given to the Commission outlines standards to be addressed in a revised ordinance to be drafted regarding wireless telecommunication facilities. This discussion is a follow-up to the joint workshop with the City Council.

Commissioner Solomonson stated that “encouraging collocation” is not strong enough to make sure collocations occur on poles with the increased height of 75 feet. The reason for the added

height is for collocation. Mr. Warwick noted that the code already requires collocation on a structure within a half mile that exceeds 55 feet.

Commissioner Mons stated that the Planning Commission looks at this issue from an aesthetic standpoint, but there is an economic that is a driving factor in applications. He recalled seeing truly screened towers and recalled use of bell towers and clock towers to camouflage cell towers when this issue started years ago. The industry has changed with wireless internet competing for towers with cell phones. The city to the east discourages towers, which places pressure on Shoreview and other surrounding cities to provide coverage. If all public parcels are going to be rezoned to TOD-2, that is a financial decision that the City Council should make.

Ms. Nordine stated that one of the difficulties is perception of the height of a tower and whether 15 feet makes a big difference. The public benefit is to local businesses and services, as well as residents. It is the City's responsibility to provide locations.

Commissioner Mons stated that he sees towers going from 60 feet to 75 feet to 90 feet. He does not know when enough is enough. He finds towers in parks to be unattractive. There is a sacrifice of some issues that is not good public policy.

Commissioner Wenner stated that the reason for added height is line of sight and collocation. Mr. Warwick added that vegetation and topography interfere with signals. Providers look at filling gaps. The future will bring more infill and collocation.

Commissioner Solomonson stated that collocation makes sense and he would prefer a 75-foot tower rather than two 60 foot poles. He would like to see unique camouflage ideas. Raising the lights to the top of the pole is better than having them part way up the pole and antennae on top. He is not sure what can be done to have more options. He would like to see different designs when proposals are made to be able to make the best decision. He would like to see opportunities to put poles in non-public areas, such as commercial districts. He is not sure of the requirements of the Telecommunications Act and what the City can require to camouflage the poles. By the time the Planning Commission receives the application, there is not much the Commission can do with regard to color, material, diameter. Mr. Warwick responded that the material used for provider poles is the same as what is used for light poles in parks. Smaller diameters means antenna arms on the pole because there is not room for the antennas to be inside the pole. Park and recreation staff prefers the poles being used because of maintenance. Regulations can be strengthened, and it is standards that need to be developed to achieve the desired look.

Chair Proud agreed and stated that he would like to be able to question applicants about the best design and push the technology in the City's favor to get the best. He would like to find out the state of the art pole and what it looks like. The Commission needs the flexibility to hear options and get the best design for the community.

Commissioner Solomonson suggested a workshop session with the consultant to work on

crafting an ordinance that addresses what the Commission would like to see. When the proposals come forward, he does not know if he is seeing the latest technology or if there is flexibility in what can be regulated. He suggested a possible moratorium on further applications until the ordinance is written. Mr. Warwick stated that the FCC does not look favorably on moratoriums. If there was one, it could only be for a short time--less than six months.

Commissioner Mons asked if the consultant could provide information about the direction of the industry. With television, satellite, broadband, he questions whether Cable will be viable much longer.

Chair Proud added that the Telecommunications Committee could be a technical resource for the Commission on hardware and aesthetics.

It was the consensus for staff to consult with the City Manager and Council before recommending a moratorium and schedule a workshop discussion on this issue.

**ADJOURNMENT**

MOTION: by Commissioner Wenner, seconded by Commissioner Ferrington to adjourn the March 23, 2010 Planning Commission meeting at 9:20 p.m.

ROLL CALL: Ayes - 6 Nays - 0

ATTEST:

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Kathleen Nordine  
City Planner